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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,824	08/31/1999	YASUJI OTA	FUJO-16.446	1838

7590 01/03/2002

HELGOTT & KARAS P C  
EMPIRE STATE BUILDING  
60TH FLOOR  
NEW YORK, NY 10118

EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
2641	

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/386,824	OTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ABUL K. AZAD	2641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 August 1999.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Adoul et al. (US 5,701,392).

As per claim 1, Adoul teaches, “a voice coding method based on analysis-by-synthesis vector quantization using a code book containing a voice source code vector having only a plurality of non-zero amplitude values,” comprising the step of:

“variably controlling a position of a sample of the non-zero amplitude value an index and a transmission parameter indicating a feature amount of the voice” (col. 12, line 63 to col. 13, line 65).

As per claim 2, Adoul teaches, “variable controlling the position of the sample of the non-zero amplitude value using the index and a lag value corresponding to a pitch period which is transmission parameter indicating the feature amount of voice” (col. 6, lines 11-37).

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As per claim 3, Adoul teaches, "reconstructing the position of the sample of the non-zero amplitude value within a region corresponding value within a region corresponding to the lag value depending on the pitch gain value" (col. 6, line 39 to col. 7, line 33).

As per claims 4-18, they have similar limitations as claims 1-3 so claims 4-18 are also rejected for the same reasons.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozawa (US 5,963,896).

As per claim 1, Ozawa teaches, "a voice coding method based on analysis-by-synthesis vector quantization using a code book containing a voice source code vector having only a plurality of non-zero amplitude values," comprising the step of:

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"variably controlling a position of a sample of the non-zero amplitude value an index and a transmission parameter indicating a feature amount of the voice" (col. 3, lines 8-24).

As per claim 2, Ozawa teaches, "variably controlling the position of the sample of the non-zero amplitude value using the index and a lag value corresponding to a pitch period which is transmission parameter indicating the feature amount of voice" (col. 3, lines 25-62).

As per claim 3, Ozawa teaches, "reconstructing the position of the sample of the non-zero amplitude value within a region corresponding value within a region corresponding to the lag value depending on the pitch gin value" (col. 17, line 50 to col. 18, line 58).

As per claims 4-18, they have similar limitations as claim 1-3, so claims 4-18 are also rejected for the same reasons.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William R. Korzuch**, can be reached at **(703) 305-6137**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**Washington, D.C. 20231**

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Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should  
be directed to the Group Receptionist whose telephone number is **(703) 305-4700**.

Abul K. Azad

December 29, 2001

*Marsha D. Banks-Harold*

**MARSHA D. BANKS-HAROLD  
PRIMARY EXAMINER**